

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)	Bankruptcy No. 20-10334 TPA
))
JOSEPH MARTIN THOMAS,)	Chapter 11
))
Debtor))
))
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MacDONALD, ILLIG, JONES))
& BRITTON, LLP,))
)	Related To Doc No. 261 and 262
Movant,))
))
v.)	Date and Time of Hearing:
)) March 11, 2021 @ 9:30 a.m.
NO RESPONDENT.))
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MICHAEL P. KRUSZEWSKI,))
ESQUIRE and QUINN,))
BUSECK, LEEMHUIS,))
TOOEY, & KROTO, INC.,))
)	Related to Doc No. 263 and 264
Movant,))
))
v.)	Date and Time of Hearing:
)) March 11, 2021 @ 9:30 a.m.
NO RESPONDENT.))

**RESPONSE TO SECOND INTERIM APPLICATIONS FOR COMPENSATION ON
BEHALF OF COUNSEL FOR THE DEBTOR**

AND NOW, comes the Official Creditors' Committee ("Committee") for Tri-State Pain Institute, LLC ("Tri-State"), an affiliate of the Debtor in a separate, but related proceeding for reorganization under Chapter 11 at Case No. 20-10049-TPA, by and through the Committee's counsel, Knox McLaughlin Gornall & Sennett, P.C., as follows:

1. The Committee has no objection to the Second Interim Application of Counsel (Doc #264) or the Second Interim Application of Special Counsel (Doc #262).

2. However, the Committee objects to the excessive and burdensome administrative fees in these related cases generally and requests that this Estate be challenged to represent Dr. Thomas more efficiently.

3. Dr. Thomas relies heavily upon MacDonald, Illig, Jones, & Britton, LLP for legal advice, notwithstanding the fact that he is separately represented in his individual Chapter 11 case and in the Tri-State Chapter 11 case. The Committee submits that many of the requested fees include services which are redundant of services provided by his separate counsel in those other cases.

4. The Committee objected to the Application of Special Counsel for Interim Compensation in early November (Doc #210) on these same grounds: the Debtor needs to work more efficiently with counsel.

5. The professional fees which have already been approved in the above captioned Chapter 11 case and in the Tri-State case exceed \$480,000 and are summarized as follows:

Professional	Fee Amount Approved	Case	Docket #
Michael P. Kruszewski, Attorney for Dr. Thomas, First Interim Fee Application	128,456.50	Joseph Martin Thomas	Doc #198
Gary Skiba, Attorney for Tri-State, First Interim Fee Application	75,952.50	Tri-State Pain Institute, LLC	Doc #277
Gary Skiba, Attorney for Tri-State, Second Interim Fee Application	35,425.50	Tri-State Pain Institute, LLC	Doc #336
MacDonald, Illig, Jones & Britton, LLP, Special Counsel for Tri-State, First and Final Fee Application	20,444.00	Tri-State Pain Institute, LLC	Doc #231

Kenney Shelton Liptak & Nowak, LLP, Special Counsel for Tri-State, First and Final Fee Application	2,040.00	Tri-State Pain Institute, LLC	Doc #232
Trish Shoulders, CPA, Accountant for Tri-State, First Interim Fee Application	8,887.50	Tri-State Pain Institute, LLC	Doc #291
Guy Fustine, Attorney for Committee, First Interim Application	75,801.00	Tri-State Pain Institute, LLC	Doc #276
Guy Fustine, Attorney for Committee, Second Interim Application	53,499.00	Tri-State Pain Institute, LLC	Doc #340
MacDonald, Illig, Jones, & Britton, Special Counsel for the Debtor, First Interim Fee Application	81,795.83	Joseph Martin Thomas	Doc #219
Total	482,301.83		

6. Additionally, the following fees are being requested at the March 11 hearing for Dr. Thomas and March 25 for Tri-State, which, if approved, will grow the administrative approved fees to a staggering \$671,171.08.

Professional	Fee Amount Requested	Case	Docket #
Michael P. Kruszewski, Attorney for Dr. Thomas, Second Interim Fee Application	126,205.25	Joseph Martin Thomas	Doc #263
Trish Shoulders, CPA, Accountant for Tri-State, Second Interim Fee Application	10,537.50	Tri-State Pain Institute, LLC	Doc #432
MacDonald, Illig, Jones, & Britton, Special Counsel for the Debtor, Second Interim Fee Application	52,126.50	Joseph Martin Thomas	Doc #261
Total Requested Fees	188,869.25		

7. Dr. Thomas' January 2021 Monthly Operating Report (Doc #268) documents a cumulative negative net cash flow of \$21,072.56.

WHEREFORE, the Committee requests that all efforts be made to increase the efficiency of the Debtor's legal services; and, that the Committee have such other and further relief as is reasonable and just.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.
Attorneys for the Official Committee of Unsecured
Creditors for Tri-State Pain Institute, LLC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 1, 2021, a copy of the Committee's Response to Second Interim Applications for Compensation on Behalf of Counsel for the Debtor was served by first class, United States mail, postage pre-paid, and/or electronic service, as follows:

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Respectfully submitted,

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